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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,729	02/20/2004	Maric S. Chan	5719	6615

7590
Milliken & Company
P.O. Box 1927
Spartanburg, SC 29304

06/21/2007

EXAMINER

HARDEE, JOHN R

ART UNIT	PAPER NUMBER
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1751

MAIL DATE	DELIVERY MODE
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06/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,729

Applicant(s)

CHAN ET AL.

Examiner

John R. Hardee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. The species election requirement is withdrawn.

Claim Rejections - 35 USC § 103

2. Claims 1-11, 13-16, 21-25 and 27-39 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Trinh et al (US 4,481,126) for the reasons of record in the previous office action.
3. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trinh et al (US 4,481,126), as relied upon in the rejection above, further in view of Froehlich (US 3910848) or Brown (US 5514302) for the reasons of record in the previous office action.
4. Claims 1-4, 6-15, 17, 18 and 27-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (US 4,534,892) for the reasons of record in the previous office action.

Response to Arguments

5. Applicant's application appears to have been mishandled by the docketing staff, resulting in applicant's response not being forwarded to the examiner in a timely fashion. The examiner apologizes for the delay.
6. Applicant's affidavit and arguments filed October 12, 2006 have been fully considered but they are not persuasive. While the affidavit does show that two of the

compositions exemplified in the Trinh reference are not particularly useful for cleaning textiles, applicant has not claimed a method of cleaning textiles. Applicant has claimed compositions. The Trinh compositions are presumed to be useful for their disclosed purpose, which is the cleaning of automobiles. Applicant's recitation of "for a textile substrate" is a statement of intended use, which is afforded little patentable weight. Regarding whether or not the silicone of the Trinh compositions affects is deleterious, the criterion is whether or not it would be deleterious for the cleaning of automobiles. Applicant's vacuum retrieval additives are optional. It is well settled that "not more than" reads on zero. The surfactant of claim 11 is a notoriously common nonionic surfactant, the use of which would be obvious over the general disclosure of the utility of surfactants.

Applicant's arguments regarding the Froelich and Brown references are directed to the perceived inadequacies of the Trinh reference and are not persuasive.

Applicant argues that the Suzuki reference does not disclose dispersion agents as recited by applicants. This is not persuasive because numerous acrylic monomers, including acrylic acid and acrylic esters, are disclosed as suitable for the copolymers taught in the reference. Applicant's arguments that the polymers of the reference are not the same as a teaching of polyacrylic acid or polyacrylic ester is simply incorrect. Claims are given their broadest reasonable interpretation during prosecution.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Dr. John R. Hardee, whose telephone number is (571) 272-1318. The examiner can normally be reached on Monday through Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Mr. Douglas McGinty, may be reached at (571) 272-1029.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "J. Hardee", with a stylized, cursive script.

John R. Hardee
Primary Examiner
June 19, 2007